

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

PROCEDURES AT THE
UNITED STATES COURTHOUSE
AT NEW BERN
DURING THE COVID-19
PANDEMIC

ORDER
(as amended August 16, 2021)¹

In light of the pandemic of the novel coronavirus known as COVID-19, and precautions recommended by public health officials to reduce its spread, the court adopts the following procedures for conduct of criminal and civil proceedings at the United States Courthouse at New Bern, North Carolina:

1. **Access.** Entry to the courthouse remains limited by the terms of the court's March 12, 2020, Standing Order No. 20-SO-4, a copy of which is attached hereto for ease of reference. Additionally, all individuals shall perform a health self-assessment and take their temperatures prior to coming to the courthouse. Individuals with a temperature greater than 100.4 °F or those experiencing symptoms such as cough, shortness of breath, difficulty breathing, chills, sore throat, or loss of taste or smell shall not enter the courthouse.
2. **Vulnerable Individuals.** Due to increased risk of severe illness from COVID-19, the following vulnerable individuals (including counsel) are not required to appear for a hearing at the courthouse, but may do so if they choose: a) individuals 65 years and older; b) people of all ages with underlying medical conditions, such as chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease; and/or c) those

¹ Procedures set forth in paragraph eight are subject of amendment, to reflect changes to certain sanitization protocols. All other procedures specified in the original order entered June 18, 2020, remain unchanged.

living with individuals who satisfy the foregoing criteria. If a vulnerable individual's absence pursuant to this provision would be likely to make continuation of a criminal proceeding impossible, or result in a miscarriage of justice, resulting delay may be excluded from computation under the Speedy Trial Act of 1974.

3. **Face Coverings.** For the protection of everyone, all individuals seeking entry to the courthouse, including but not limited to jurors, attorneys, litigants, contractors, and employees, are required to wear a face covering that covers the wearer's nose and mouth simultaneously in all public spaces, including courtrooms and security checkpoints, unless directed by the court otherwise. A face covering will be available for any individual who does not have one and, additionally, gloves will be provided to any juror requesting same; however, due to limited supplies all entrants are encouraged to utilize their own, personal resources.
4. **Social Distancing.** Upon entering the courthouse, all individuals shall observe social distancing by maintaining at least six feet of physical distance from others at all times. All individuals shall make every effort to limit items brought into the courthouse to avoid the necessity of a secondary screening by Court Security Officers.
5. **Hand Sanitizer.** Hand sanitizer will be available in public areas of the courthouse. Entrants are encouraged to bring an appropriate self-use supply of hand sanitizer or disinfectant wipes with them to the courthouse.
6. **Scheduling.** Counsel, parties, and attendees are strongly encouraged to arrive timely only FOR those cases in which they personally are involved or interested. The court may limit the number of individuals in the courtroom gallery.
7. **Pre-Hearing Conferences and Conferences During Hearing or Trial.** Counsel in any criminal case will be permitted to meet with counsel's client immediately prior to the hearing. Such conference will occur in the traditional space provided by the United States Marshal for attorney-client meetings to allow for security and appropriate social distancing. If at any time during a court proceeding in a civil matter a private consultation is required, counsel and the party will be permitted

to do so by meeting in an adjacent conference room where social distancing may be observed, or by any other means appropriate to reduce any health risk. Any extended meeting between counsel and a criminal defendant may occur in the traditional space provided by the United States Marshal for attorney-client meetings to allow for security and social distancing.

8. **Cleaning.** Areas of the courtroom, including surfaces in and around counsel tables, witness stand, jury box, and the gallery occupied by any spectator, will be cleaned and sanitized daily by contract personnel retained by the building's owner, U.S. General Services Administration. To the extent possible, disinfectant wipes and/or hand sanitizer will be made available by the court at stations throughout the building and at counsel tables in the courtroom. Anyone may bring an appropriate self-use supply of hand sanitizer or disinfectant wipes into the courtroom.
9. **Motions to Continue.** Recognizing that circumstances and health risk issues can change rapidly, the court will consider health-based motions to continue at any time, including during the particular court proceeding. Any such motion made the day of a proceeding may be made by counsel by telephone to the Judge's Case Manager without necessity of a written motion as long as a subsequent confirming written motion is filed within 24 hours. The United States Marshals Service or its designee shall have the authority to refuse to transport any criminal defendant to the courthouse upon detection of any health risk. The Marshal shall notify the court as soon as reasonably possible upon such event.

SO ORDERED, this the 16th day of August, 2021.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge

STANDING ORDER NO. 20-SO-4

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
20-SO-4

FILED

MAR 12 2020

PETER A. MAGNIE, JR., CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

IN RE:
RESTRICTIONS ON VISITORS
TO COURTHOUSES

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STANDING ORDER

The United States District Court for the Eastern District of North Carolina is closely monitoring the outbreak of the novel coronavirus known as COVID-19 as well as the guidance issued by the Centers for Disease Control and Prevention ("CDC"). The CDC having advised people to take precautions, and having noted that the best way to prevent illness is to avoid being exposed to the virus, it is hereby

ORDERED by the United States District Court for the Eastern District of North Carolina that the following persons shall not enter any U.S. Courthouse or U.S. Probation Office in the Eastern District of North Carolina without prior permission from the Chief Judge:

- Persons who have been in any of the following countries or regions within the last 14 days:

STATE OF WASHINGTON
NEW ROCHELLE, NEW YORK
CHINA
SOUTH KOREA
JAPAN
ITALY
IRAN
EGYPT

And any other country or region that is the subject of a Level 3 Travel Health Notice issued by the CDC.

- Persons who reside or have had close contact with someone who has been in one of the countries or regions listed above within the last 14 days;
- Persons who have been asked to self-quarantine by any doctor, hospital, or health agency;

- Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19; and
- Persons with fever, cough, or shortness of breath.

It is further ORDERED that the United States Marshal, his Deputies, and the Court Security Officers shall deny entry to anyone attempting to enter in violation of this Order.

It is further ORDERED that if you are scheduled or required to appear at a U.S. Courthouse or U.S. Probation Office in the Eastern District of North Carolina and you are unable to appear because of the restrictions in this Order, you are directed to proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and you are scheduled to appear in court before a judge, please contact the judge's case manager;
- If you are scheduled to meet with a U.S. Probation officer, please contact that officer directly;
- If you are a juror, call Jury Services at (800) 342-2539 and leave a detailed message;
- For Bankruptcy Court matters, please contact the Clerk's Office at (919) 856-4752;
- For Section 341 Meetings of Creditors, please contact the Bankruptcy Administrator's Office at (919) 334-3885; and
- For District Court matters, please contact the Clerk's Office at (919) 645-1700.

It is further ORDERED that these restrictions will remain in place temporarily until it is determined to be safe to remove them. This Order shall be updated as further guidance is received.

SO ORDERED. This the 12 day of March, 2020.


Terrence W. Boyle
Chief United States District Judge